

THE HON'BLE SRI JUSTICE A.V.SESHA SAI

WRIT PETITION NO.10171 OF 2017

ORDER:

This Writ Petition, filed under Article 226 of the Constitution of India, assails the action of the respondents in resorting to disconnection of electricity power supply to Service Connection No.552202008902 belonging to the petitioner without issuance of any notice.

Heard Sri Taddi Nageswara Rao, learned counsel for the petitioner and Smt. J.Koteswari Devi, learned Standing Counsel for the respondents.

According to the petitioner, he is the owner of the property bearing Door No.9-4, Avilala Village, Tirupati Rural, Chittoor District having purchased the said property by way of registered sale deed No.1743 of 2008 dated 03.05.2008. The fourth respondent herein issued notice bearing LR.No.AE-Rural-II, TRT F.No. D.No.102/17 dated 09.02.2017 calling upon the petitioner to show cause as to why further action, based on a legal notice said to have been issued on behalf of one Mr.K.Kiran Kumar for disconnection of power supply, should not be taken. In response to the said show cause notice, the petitioner herein got issued a reply through his counsel on 14.02.2017. The grievance precisely in the present Writ Petition, as advocated by the learned counsel for the petitioner, is that without considering the said explanation and the contents of the same, on 16.03.2017, the respondents have disconnected the power supply to the Service Connection of the petitioner herein.

This Court, on 22.03.2017, granted time to the learned Standing Counsel to get instructions in the matter. No instructions have been received by the learned Standing Counsel as to the consideration of the explanation submitted by the petitioner herein in response to the show cause notice except stating that there is civil dispute between the petitioner and the third party.

Having issued a show cause notice asking the petitioner to submit the explanation and having received the explanation offered by the petitioner herein, there is absolutely no justification on the part of the fourth respondent in resorting to the impugned action of disconnection of the power supply without passing any orders on the explanation dated 14.02.2017 submitted by the petitioner herein through his counsel.

For the aforesaid reasons, the Writ Petition is disposed of directing the respondents herein to restore the power supply to the service connection of the petitioner herein forthwith. However, it is open for the respondents herein to consider the explanation submitted by the petitioner herein in response to the show cause notice and take appropriate action in accordance with law after giving opportunity to the petitioner herein. There shall be no order as to costs. Miscellaneous petitions, if any, pending shall stand closed.

(A.V.SESHA SAI, J)

27th March 2017
RRB